

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

**MDL 2724
16-MD-2724**

THIS DOCUMENT RELATES TO:

In re State Attorneys General Litigation

HON. CYNTHIA M. Rufe

Individual Case No. 20-3539

ORDER

AND NOW, this 27th day of February 2023, upon consideration of the motions and the responses and replies thereto, and for the reasons stated in the accompanying Memorandum, it is hereby **ORDERED** that:

1. The Motion to Dismiss of Defendants Actavis Holdco U.S. Inc., Actavis Elizabeth LLC and Actavis Pharma, Inc. [Doc. No. 113] is **GRANTED in part and DENIED in part**. The Motion is **GRANTED** as to the claims concerning Methylphenidate HCL ER tablets in Count 5. The Motion is otherwise **DENIED**.
2. The Motion to Dismiss of Defendant Lannett Company, Inc. [Doc. No. 114] is **DENIED**.
3. The Motion to Dismiss of Defendant Bausch Health Americas, Inc. and Bausch Health US, LLC [Doc. No. 115] is **DENIED**.
4. The Motion to Dismiss of Defendant Sun Pharmaceutical Industries, Inc. [Doc. No. 116] is **GRANTED in part and DENIED in part**. The Motion is **GRANTED** as to the claims concerning Methylphenidate HCL ER, as Plaintiff has withdrawn those claims. The Motion is otherwise **DENIED**.

5. The Motion to Dismiss of Defendant John Wesolowski [Doc. No. 117] is **DENIED**.

6. The Motion to Dismiss of Defendant Michael Perfetto [Doc. No. 118] is **DENIED**.

7. Defendants' Joint Motion to Dismiss Plaintiffs' Federal-Law Claims [Doc. No. 119] is **GRANTED in part and DENIED in part**. Defendants' Motion to Dismiss is **GRANTED** to the extent that it seeks dismissal of Plaintiffs' claims for disgorgement under § 16 of the Clayton Act; and the Motion is **DENIED** to the extent that it seeks dismissal of Plaintiffs' federal claims for injunctive relief as *parens patriae* under federal law.

8. Defendants' Joint Motion to Dismiss on Statute of Limitations Grounds [Doc. No. 121] is **DENIED**.

9. The Motion to Dismiss of Defendants Mylan, Inc. and Mylan Pharmaceuticals, Inc. [Doc. No. 122] is **DENIED**.

10. Defendants' Joint Motion to Dismiss the Overarching Conspiracy Claims [Doc. No. 123] is **DENIED**.

11. The Motion to Dismiss of Defendants Amneal Pharmaceuticals LLC and Amneal Pharmaceuticals, Inc. [Doc. No. 124] is **DENIED**.

12. The Motion to Dismiss of Defendant Pfizer Inc. [Doc. No. 125] is **DENIED**.

13. The Motions for Leave to File Excess Pages [Doc. Nos. 161, 171] are **GRANTED**.

It is so **ORDERED**.

BY THE COURT:
/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.